



17/2/2003 BRIEF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assignee's Docket No.: 7941.00 )  
Group Art Unit: 2662 )  
Serial No.: 09/317,312 )  
Examiner: Dmitry Levitan )  
Filing Date: May 24, 1999 )  
Title: Synchronized Web )  
Scrolling )

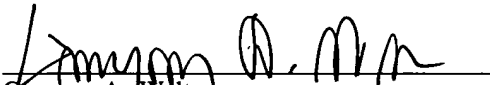
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Gregory A. Welte

REPLY

Appellant responds to the Examiner's Answer as follows.

Response to Notice of Non-Compliance

The Answer, page 2, asserts that the Brief contains a statement that the claims of Group 1 and Group do not stand or fall together. The undersigned attorney has examined the Brief, and can

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find no such statement.

Appellant interprets the Answer as asserting that the section of the Brief entitled "7. Grouping of Claims" should contain a statement that the claims in each group do not stand or fall together, with possible exceptions. Accordingly, an Amended Brief is submitted.

#### **Section 10 of Answer**

Section 10 of the Answer, entitled "Grounds of Rejection," and spanning pages 3 - 5, repeats the Final Rejection.

#### **Section 11 of Answer**

##### Point 1

The Answer, page 5, bottom, asserts that

1) scroll bars 62 and 64 in the Glaser reference are located within Glaser's whiteboard area,

and

2) transmission of mouse coordinates to other computers "works perfectly in the scroll bars area and there is no other purpose for the scroll bars but to be used in the whiteboard area."

However, at least two problems exist in the PTO's assertion,

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quoted immediately above. One is that the assertion is a naked conclusion, utterly lacking in evidence. This naked conclusion is insufficient to rebut the arguments given in Appellant's Brief, such as on pages 4 - 9.

From another perspective, Appellant's Brief, Summary of Argument, pages 4 - 9, sets forth detailed reasons on why Glaser's scroll bars are not part of his whiteboard area. (Actually, the issue is whether Glaser (1) detects scrolling by one party, and (2) replicates that scrolling on the other parties' computers. The Brief explains why that does not occur. One reason is that Glaser's scroll bars 62 and 64 are not functional parts of the whiteboard in question.)

In response to the Brief's six pages of explanation, the Answer, in effect, says, "That's not correct." As a matter of law, that type of response is insufficient to rebut the Brief's explanation.

A second problem with the PTO's assertion is that it is **factually incorrect**. The PTO asserts that "no other purpose" exists for Glaser's scroll bars. That is a false statement.

Glaser's scroll bars are used by a party to **scroll through a document**. That can occur whether the party is participating in a conference or not. If not, then clearly there is no replication of the scrolling on another party's computer.

That's another purpose. The PTO's assertion is incorrect.

Point 2

The Answer, top of page 6, asserts that Appellant's arguments about impossible conflicts in Glaser are irrelevant, because the arguments do not address claim limitations.

This assertion is incorrect, for at least two reasons. One reason, stated briefly, is that Appellant's arguments point out that the PTO's interpretation of Glaser leads to an impossible situation. Thus, the PTO's interpretation is, at a minimum, questionable.

Explaining this in greater detail, Appellant points out that Appellant's arguments are directed toward the PTO's interpretation of a reference. The PTO interprets a reference (Glaser) in a particular way. Appellant's arguments point out that, if Glaser actually operates according to the PTO's interpretation, then impossible conflicts arise. Thus, the conclusion becomes reasonable that Glaser **DOES NOT OPERATE** according to the PTO's interpretation (because that type of operation causes impossible conflicts).

Therefore, Appellant's arguments explain why the PTO's interpretation of the Glaser reference is incorrect. The correctness of the PTO's interpretation of a reference is **always** relevant.

A second reason is that Appellant's arguments, in fact, are

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directly related to the claim recitations. The claims recite, speaking generally, (1) detection of scrolling in one computer and (2) replicating that scrolling on another computer. The PTO asserts that Glaser shows that.

Appellant's arguments explain that, if Glaser is interpreted as showing replication of scrolling, then impossible situations occur in Glaser. For example, the Brief, page 9, contains the following passage:

PTO's Postulated Operation of Glaser Causes  
Impossible Situations

If the operation postulated by the PTO occurred in Glaser, impossible situations would arise. Suppose one party scrolls his own display "up." Supposed another party scrolls his display "down." What happens under the PTO's postulated operation? How can both displays go "up" and "down" at the same time? What happens on a third party's display?

The answer is that nothing happens, because the PTO's operation does not occur in Glaser.

(End of citation from Brief.)

Thus, Appellant's arguments show that (1) the PTO's interpretation of Glaser is highly unlikely, if not impossible, (2) Glaser does not operate as the PTO asserts, and (3) consequently Glaser does not show the claim elements for which he is cited.

Point 3

The Answer, page 6, second paragraph, asserts that

Appellant argues that Glaser does not teach identifying data location within a document, because the document is limited to region 60.

. . . this issue is irrelevant as it was not directly claimed.

Appellant first points out that the Answer's assertion, in the quotation immediately above, does not accurately report Appellant's argument. That argument appears in the Brief, page 18, in the section entitled "Claim 2."

That argument can be summarized:

Under claim 2, "data" is transmitted to other computers. That "data" identifies the "location of a **group of data** within the document." The "document" is that through which one party in a conference is scrolling.

Since a "**group** of data" is identified, at least two items of information must be present to identify the "group." That is, the boundaries of the group must be identified, such as (1) the beginning and the end of the "group," (2) the beginning of the "group," together with an indication of the length of the group (so that the end can be found), and so on. Those two items must be present in the "data" which is "transmitted."

Glaser, at best, merely transmits the coordinates of a cursor present in his region 60. Even if that region 60 corresponds to the "document" of claim 2, those coordinates are insufficient to identify a "group of data within the document."

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Glaser's coordinates identify a **single point** in region 60. A **single point** is not a "group of data within the document."

Therefore, Appellant's argument is that Glaser, at best, transmits the coordinates of a single point. That is insufficient to identify a "group of data."

As to relevance, the preceding discussion indicates the relevance of Appellant's argument. Further, the PTO's "issue," namely, "that Glaser does not teach identifying data location within a document, because the document is limited to region 60," does not correspond to Appellant's argument. That "issue" may be irrelevant. But, again, that "issue" does not correspond to Appellant's argument.

#### Point 4

The Answer, page 6, third paragraph, asserts that the Brief is incorrect in stating that Glaser does not maintain a "telephone conference."

Appellant points out, and the Answer does not rebut this, that Glaser shows a **video conference**. Computers handle the video conference. (Column 3, lines 25, 26. Glaser uses the term "workstations," which are computers.) The audio segment of that audio-video conference is handled by a "communication interface 30 of a workstation [which] can include audio and video equipment such

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as a microphone/speaker 30a." (Column 3, lines 58 - 59, referring to Glaser's Figure 1.)

The conference is carried by a "network 20." (Column 3, lines 26, 27.)

Plainly, Glaser discusses a video conference, which is different from a "telephone conference."

To rebut by analogy, Appellant points out that ham radio can be used to transmit, and receive, speech. But nobody calls a situation where five parties simultaneously converse using ham radio a "telephone conference."

Here is a second analogy: a "telephone" conference has specific properties. Somebody "dials" all the participants. A participant can terminate his participation by physically placing his handpiece onto its cradle, thereby allowing new incoming calls to be received. That is not found in Glaser's conference.

#### Point 5

The Answer, page 6, last paragraph, states that the Brief asserts that Glaser does not show scrolling.

That is factually incorrect. The Brief states:

Glaser does not detect scrolling, as in claim 6(a), and then take the actions of claim 6(b) when scrolling terminates.

**Scrolling may occur in Glaser**, as when a user scrolls his own computer. But the



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actions of claim 6(b) do not.

(Brief, pages 19 and 20.)

The Answer also asserts that Glaser detects mouse-events on scroll bars 62 and 66, and transmits the coordinates of those events. The Brief has shown this to be false.

Point 6

The Answer, page 7, first paragraph, states that the Brief asserts that Glaser "does not teach transmitting the coordinate within the document."

The Brief never said that. The Brief states:

Further, Glaser does not transmit the "coordinate" of claim 7(b)(iii). He transmits position of a cursor within his region 60. That does not cause any part of a document in an audience-computer to now be displayed, as claimed. It merely allows an arrow to be drawn to that position.

(Brief, page 21.)

Point 7

Appellant submits that the Answer, page 7, second paragraph (on whether Furst shows "navigating") misses the point. The Brief did not rely heavily on the points to be made immediately below. The reason was that it was believed that the lack-of-teaching for combining the references was sufficient to rebut the rejection.

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However, now, since the Answer raised the question, certain points will here be emphasized.

Claim 3 recites:

3. Improvement according to claim 1, wherein the data enables the other computers to navigate to said part of the document, without scrolling.

Thus, claim 3 recites "navigating," but without "scrolling." An example will illustrate what this can mean.

The Specification, at the end, particularly in "Additional Consideration" number 1, defines "navigating." As an example, "navigating" "without scrolling" would occur when a displayed document jumps from page 1 to page 50, without displaying intervening pages 2 - 49.

That has not been shown in the references.

As to whether Furst shows "navigating" (which, as stated above, was not addressed in detail in the Brief), Appellant points out that claim 3 refers to "navigating" "to part of **THE** document."

Furst may show "navigating" on the Internet. That does not correspond to claim 3. The "navigation" in question is from one part of a document **which is being viewed by one party in a conference** to another part of the document. Furst does not show that type of navigating.

Point 8

The Answer, page 7, third paragraph, states that the Brief asserts that Glaser and Furst cannot be used together. That is not correct. Instead, the Brief asserted that no valid teaching has been given for combining those two references.

Further, the Answer then sets forth supposed properties which are obtained when the two references are combined. The Brief, pages 22 - 25, has addressed that.

In addition, the Answer invokes conclusions which have never been proven. One is that jumping from screen to screen is "faster than scrolling." No evidence has been given to support that. In fact, the undersigned attorney sometimes downloads documents in PDF format, to display in Adobe Acrobat. He has found no difference between "jumping" and "scrolling."

That is, for example, assume a 100-page document is being downloaded. If you want to see page 95, you must wait for 94 pages to be loaded. It appears that you cannot select page 95, and "jump" to it by itself. Or at least the undersigned attorney does not know how to do that.

No evidence has been provided showing that "jumping" is faster than "scrolling."

Finally, as explained in the Brief, the supposed properties of the references, after being combined, do not act as teachings for making the combination in the first place.

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Point 8

The last paragraph of the Answer asserts again that Glaser replicates scrolling on other computers. As the Brief explains, that is not so.

**CONCLUSION**

Appellant requests that the Board reverse all rejections, and pass all claims to issue.

Respectfully submitted,

  
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